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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,946	11/30/2001	Taeko Hayase	0445-0313P	3991

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EXAMINER

COLE, ELIZABETH M

ART UNIT PAPER NUMBER

1771

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.	Applicant(s)	
09/996,946	HAYASE ET AL.	
Examiner	Art Unit	
Elizabeth M. Cole	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All   b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                             | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6/23/04</u> | 6) <input type="checkbox"/> Other: _____                                    |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/23/04 has been entered.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 9-10, 13-17 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 2000-212866. JP '866 discloses an airlaid nonwoven comprising thermoplastic fibers having a length of 3-25 mm, a fineness of 0.5-50 denier and a crimp number of 5-30. The fibers may be conjugate fibers. The fibers are present in an amount of from 3-50%. The airlaid nonwoven further comprises 50-97% of cellulosic fibers. See page 6. The nonwoven may be bonded at the crossover points. See pages 29-30. JP '866 is silent regarding the number of tips of the thermoplastic fibers which are exposed on the surface. However, since JP '866 teaches the same fabric which is made by the same method as the instant fabric and which comprises the same components in the same amounts, it is

reasonable to presume that the JP '866 fabric would inherently possess the claimed number of thermoplastic tips.

5. Claims 2 and 11 rejected under 35 U.S.C. 103(a) as being unpatentable over JP '866 in view of WO 01/52713 to Kakiuchi et al. JP '866 discloses a nonwoven fabric as set forth above. JP '866 teaches that the nonwoven is useful as a wiper. JP '866 differs from the claimed invention because it does not teach impregnating the sheet with an aqueous detergent comprising an electrolyte to impregnate the sheet. Kakiuchi et al teaches that cleaning sheets such as nonwoven fabrics and papers can be impregnated with an aqueous detergent in order to enhance the cleaning ability of the sheet. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have impregnated the sheet of JP '866 with an aqueous detergent motivated by the expectation that this would enhance the cleaning ability of the sheet.

6. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '866 as applied to claims above, and further in view of Kobayashi et al, EP 926,288. JP '866 discloses a fabric as set forth above. With regard to claims 5-7, JP '866 teaches forming a laminated fabric which comprises the air laid sheet and additional nonwoven layers. See page 31. JP '866 does not teach embossing the sheet and does not teach that the pulp fibers should have the claimed length. Kobayashi teaches that nonwoven fabrics comprising synthetic fibers and cellulosic fibers may comprise cellulosic fibers having a length of 2-7 mm, that the sheet should have a basis weight of 10-80 grams per square meter and may be embossed. See abstract and col. 1, lines 40-55. Kobayashi teaches that such nonwovens are particularly suitable for use as wipers and cleaning sheets. Therefore, it would have been obvious to have formed the sheet of JP '866

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so that it comprised the claimed basis weight, pulp fiber length and embossments as taught by Kobayashi. One of ordinary skill in the art would have been motivated to have formed the sheet of JP '866 in accordance with the teachings of Kobayashi by the expectation that this would optimize the cleaning abilities of the sheet.


7. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (571) 272-1478.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (703) 872-9306.

  
Elizabeth M. Cole  
Primary Examiner  
Art Unit 1771

e.m.c